

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2005-0666-MLM-E **TCEQ ID:** RN102330081 and RN101385920 **CASE NO.:** 25077**RESPONDENT NAME:** City of Grand Saline

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Grand Saline WWTP, east of the intersection of the T & P Railroad and State Highway 110, approximately 0.5 mile east-southeast of the intersection of U.S. Highway 80 and State Highway 110 and Grand Saline Water System, 132 East Frank Street, Grand Saline, Van Zandt County</p> <p>TYPE OF OPERATION: Wastewater treatment and public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 12, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Kimberly Morales, Enforcement Division, Enforcement Team 5, MC R-12, (713) 422-8938; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Terry Tolar, Mayor, City of Grand Saline, 132 East Frank Street, Grand Saline, Texas 75140 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 11 and February 7, 2005</p> <p>Date of NOV/NOE Relating to this Case: February 24 and March 8, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation and record review. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permit effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10179001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to properly maintain the public water supply facility ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)].</p> <p>3) Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to have a minimum elevated storage tank capacity of at least 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>5) Failed to employ at least two operators who hold a Class C or higher ground water license [30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p>	<p>Total Assessed: \$17,920</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$17,920</p> <p>RN101385920 Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>RN102330081 Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Environmental receptors have been exposed to pollutants which exceed levels that are protective of human health and/or the environment.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, commence operating the public water supply facility under the direct supervision of a second properly licensed operator;</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10179001;</p> <p>c. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Resurface any corroded areas of the ground storage tank;</p> <p>ii. Provide a total well capacity of at least 0.6 gpm per connection;</p> <p>iii. Provide an elevated storage tank capacity of at least 100 gallons per connection; and</p> <p>d. Within 210 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including copies of certifications or licenses, photographs labeling new or repaired equipment, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and c.</p>

Additional ID No(s): WQ0010179001, TX0037545, PWS 2340003



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	14-Mar-2005	Screening	24-Mar-2005	EPA Due	
	PCW	04-Apr-2005				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Grand Saline		
Reg. Ent. Ref. No.	RN102330081		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	25077	No. of Violations	2
Docket No.	2005-0666-MLM-E	Order Type	Findings Order
Media Program(s)	Water Quality	Enf. Coordinator	Mac Vilas
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 \$8,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 117% Enhancement Subtotals 2, 3, & 7 \$9,360

Notes The Respondent received an enhancement for 18 NOVs for same or similar violations, one NOV for other violations and one Agreed Findings Order.

Culpability No 0% Enhancement

Subtotal 4 \$0

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 \$0

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with a small x)

Notes Respondent is not yet compliant.

Economic Benefit

0% Enhancement*

Subtotal 6 \$0

Total EB Amounts	\$2,415
Approx. Cost of Compliance	\$2,100

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal \$17,360

OTHER FACTORS AS JUSTICE MAY REQUIRE

-4.6 Reduction

Adjustment -\$800

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes Recommended reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount \$16,560

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty \$16,560

DEFERRAL

0% Reduction

Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral recommended on Findings Orders.

PAYABLE PENALTY

\$16,560

Screening Date 24-Mar-2005 **Docket No.** 2005-0666-MLM-E **PCW**
Respondent City of Grand Saline **Policy Revision 2 (September 2002)**
Case ID No. 25077 **PCW Revision May 19, 2005**
Reg. Ent. Reference No. RN102330081
Media [Statute] Water Quality
Enf. Coordinator Mac Vilas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	18	90%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 117%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes The Respondent received an enhancement for 18 NOVs for same or similar violations, one NOV for other violations and one Agreed Findings Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 117%

Screening Date	24-Mar-2005	Docket No.	2005-0666-MLM-E	PCW
Respondent	City of Grand Saline	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	25077	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102330081			
Media [Statute]	Water Quality			
Enf. Coordinator	Mac Vilas			
Violation Number	1			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10179001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Tex. Water Code § 26.121(a)			
Secondary Rule Cite(s)				
Violation Description	Failed to comply with permit effluent limitations of TPDES Permit No. 10179001, as documented during a February 7, 2005 record review. (See accompanying Effluent Limit Violation Table for time periods, values, and parameters.)			
Base Penalty			\$10,000	

>> **Environmental, Property and Human Health Matrix**

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual			x	Percent 10%
	Potential				

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	Percent
Matrix Notes	A simplified model was used to evaluate NH3-N to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. TSS and average daily flow were also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.					

Adjustment -\$9,000**Base Penalty Subtotal** \$1,000**Violation Events****Number of Violation Events** 3

mark only one use a small x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$3,000

Three quarterly events are recommended for the violation time periods
September to October 2003 and May to August 2004.

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$2,415**Violation Final Penalty Total** \$6,210**This violation Final Assessed Penalty (adjusted for limits)** \$6,210

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN102330081
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$2,100	01-Sep-2003	01-Jun-2006	3.0	\$315	\$2,100	\$2,415

Notes for AVOIDED costs

Estimated cost of additional oversight, inspection and repairs which may have reduced or prevented the exceedances for the months during which effluent exceedances occurred (\$300 per month x 7 months), from the investigation date to the expected date of compliance.

Approx. Cost of Compliance TOTAL

Screening Date	24-Mar-2005	Docket No.	2005-0666-MLM-E	PCW
Respondent	City of Grand Saline	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	25077	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102330081			
Media [Statute]	Water Quality			
Enf. Coordinator	Mac Vilas			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10179001 Effluent Limitations and Monitoring Requirements No. 1 and Tex. Water Code § 26.121(a)			
Secondary Rule Cite(s)				
Violation Description	Failed to comply with permit effluent limitations of TPDES Permit No. 10179001 for total ammonia nitrogen (NH ₃ -N) daily average in the month of April 2004, as documented during a February 7, 2005 record review. (See accompanying Effluent Limit Violation Table for time periods, values, and parameters.)			

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text"/>

Matrix Notes A simplified model was used to evaluate NH₃-N to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which would exceed protective levels.

Adjustment Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input type="checkbox"/>

Violation Base Penalty

One monthly event is recommended for the violation in the month of April 2004.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN102330081
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The economic benefit for this violation is included with violation #1.

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**

EFFLUENT PARAMETER

Permit Limit

<i>Month/Year</i>	Nitrogen, ammonia daily average, Pounds per day	Nitrogen, ammonia daily average, milligram per liter	Nitrogen, ammonia daily maximum, milligram per liter	Chlorine Residual, milligram per liter	pH	Flow, million gallon per day (mgd)
	14 lbs/day	3.0 mg/l	10 mg/l	1.0-4.0 mg/l	6.0 s.u.- 9.0 s.u.	0.54 mgd
September 2003	c	c	c	0.00	c	c
October 2003	c	c	c	0.7	c	c
April 2004	19.93	5.84	16.6	0.8	9.16	0.68
May 2004	c	c	c	c	c	0.807
June 2004	c	c	c	c	c	0.583
July 2004	c	3.22	c	c	c	c
August 2004	c	4.29	c	c	c	c

Compliance History

Customer/Respondent/Owner-Operator: CN600341135 City of Grand Saline Classification: AVERAGE Rating: 1.700

Regulated Entity: RN102330081 GRAND SALINE WWTP Classification: AVERAGE Site Rating: 1.70

ID Number(s):

WASTEWATER	PERMIT	TPDES0027545
WASTEWATER	PERMIT	WQ0010179001
AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	VB0021M
WASTEWATER LICENSING	LICENSE	WQ0010179001

Location: east of the intersection of the T & P Railroad and State Highway 110, approximately 0.5 mile east-southeast of the intersection of U. S. Highway 80 and State Highway 110, Grand Saline, TX, 75140
Rating Date: 9/1/04 Repeat Violator:

NO
TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: June 21, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 21, 2000 to June 21, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Mac Vilas Phone: 512-239-2557

Site Compliance History Components

- | | |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 3/5/01 ADMINORDER 2000-0682-MWD-E
Classification: Moderate
Citation: TWC Chapter 26 26.121
Citation: Not specified PERMIT
Description: Failure to comply with permitted effluent limits for ammonia nitrogen.

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- | | | |
|----|------------|----------|
| 1 | 11/20/2000 | (175822) |
| 2 | 10/07/2002 | (175820) |
| 3 | 10/09/2001 | (175819) |
| 4 | 10/12/2000 | (175818) |
| 5 | 09/09/2002 | (175817) |
| 6 | 09/10/2001 | (175816) |
| 7 | 08/01/2001 | (175815) |
| 8 | 07/31/2003 | (175814) |
| 8 | 08/14/2002 | (175813) |
| 10 | 08/21/2001 | (175812) |
| 11 | 08/25/2000 | (175811) |
| 12 | 07/14/2003 | (175810) |
| 13 | 07/10/2002 | (175809) |
| 14 | 07/23/2001 | (175808) |
| 15 | 03/01/2005 | (345721) |
| 16 | 07/19/2000 | (175807) |

17 06/17/2003 (175806)
 18 06/10/2002 (175805)
 19 06/27/2001 (175804)
 20 06/29/2000 (175803)
 21 05/14/2003 (175802)
 22 12/10/2004 (342356)
 23 05/13/2002 (175801)
 24 05/16/2001 (175800)
 25 05/19/2000 (175799)
 26 04/08/2003 (175798)
 27 04/05/2002 (175797)
 28 04/18/2001 (175796)
 29 04/26/2000 (175795)
 30 03/22/2000 (175794)
 31 03/10/2003 (175793)
 32 08/14/2001 (39787)
 33 03/11/2002 (175792)
 34 05/12/2004 (355101)
 35 01/06/2005 (334711)
 36 03/29/2001 (175791)
 37 02/10/2003 (175790)
 38 02/13/2002 (175789)
 39 02/22/2001 (175788)
 40 02/05/2004 (302900)
 41 03/16/2004 (302902)
 42 04/19/2004 (302903)
 43 02/19/2004 (262491)
 44 04/23/2003 (29880)
 45 01/09/2003 (175832)
 46 08/13/2003 (114166)
 47 01/07/2002 (175831)
 48 03/01/2001 (38941)
 49 01/16/2001 (175830)
 50 12/09/2002 (175828)
 51 12/07/2001 (175827)
 52 12/28/2000 (175826)
 53 11/12/2002 (175824)
 54 11/09/2001 (175823)
 55 06/12/2004 (DMR)
 56 07/10/2004 (DMR)
 57 08/12/2004 (DMR)
 58 09/14/2004 (DMR)
 59 10/15/2004 (DMR)
 60 11/10/2004 (DMR)
 61 12/16/2004 (DMR)
 62 01/15/2005 (DMR)
 63 02/14/2005 (DMR)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 06/30/2001 (175808)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2003 (175806)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2002 (175801)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2002 (175797)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (175792)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2001 (175791)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2004 (355101)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2001 (175788)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 04/24/2003 (29880)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 Description: Failure to ensure at all times the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(5)
 Description: Failure to provide adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during an electrical power failure by means of alternate power sources, standby generators and/or retention structures.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.2[G]
 30 TAC Chapter 317 317.3[G]
 Rqmt Prov: PERMIT IA
 Description: Failure to ensure at all times the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Date: 12/31/2000 (175830)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 06/12/2004 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 07/10/2004 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 08/12/2004 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/14/2004 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 12/16/2004 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/14/2005 (DMR)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 09/14/2003 (DMR)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/14/2003 (DMR)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/14/2004 (DMR)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	14-Mar-2005	Screening	24-Mar-2005	EPA Due	
	PCW	04-Apr-2005				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Grand Saline		
Reg. Ent. Ref. No.	RN101385920		
Facility/Site Region	5-Tyler	Major/Minor Source	Major Source

CASE INFORMATION

Enf./Case ID No.	25077	No. of Violations	4
Docket No.	2005-0666-MLM-E	Order Type	Findings Order
Media Program(s)	Public Water Supply	Enf. Coordinator	Mac Vilas
Multi-Media	Water Quality	EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)

Subtotal 1 **\$850**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 10% Enhancement Subtotals 2, 3, & 7 **\$85**

Notes The Respondent received an enhancement for two NOV's for same or similar violations.

Culpability No 0% Enhancement

Subtotal 4 **\$0**

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction

Subtotal 5 **\$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes Respondent is not yet compliant.

Economic Benefit 50% Enhancement* Subtotal 6 **\$425**

Total EB Amounts \$148,663 *Capped at the Total EB \$ Amount

Approx. Cost of Compliance \$1,961,000

SUM OF SUBTOTALS 1-7

Final Subtotal **\$1,360**

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment **\$0**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount **\$1,360**

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty **\$1,360**

DEFERRAL

0% Reduction

Adjustment **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral recommended on Findings Orders.

PAYABLE PENALTY

\$1,360

Screening Date 24-Mar-2005 **Docket No.** 2005-0666-MLM-E **PCW**
Respondent City of Grand Saline **Policy Revision 2 (September 2002)**
Case ID No. 25077 **PCW Revision May 19, 2005**
Reg. Ent. Reference No. RN101385920
Media [Statute] Public Water Supply
Enf. Coordinator Mac Vilas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 10%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent received an enhancement for two NOVs for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date	24-Mar-2005	Docket No.	2005-0666-MLM-E	PCW
Respondent	City of Grand Saline	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	25077	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101385920			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Mac Vilas			
Violation Number	<input type="text" value="1"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(m)"/>			
Secondary Rule Cite(s)	<input type="text"/>			
Violation Description	<input type="text" value="Failure to properly maintain the facility, as documented during an investigation on January 11, 2005. Specifically, failure to resurface the interior surface of all ground storage tanks showing corrosion in strict accordance with current AWWA standards."/>			

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to resurface the interior surface of all ground storage tanks showing corrosion can result in the exposure of a significant amount of contaminants which would not exceed levels protective of human health and the environment."/>					

Adjustment Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN101385920
Media [Statute] Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$4,500	11-Jan-2005	01-Jun-2006	1.4	\$21	\$416	\$437
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Estimated cost to resurface the interior of the tank with corrosion-proof surface, from the date of the violation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							

Approx. Cost of Compliance **\$4,500**

TOTAL \$437

Screening Date	24-Mar-2005	Docket No.	2005-0666-MLM-E	PCW
Respondent	City of Grand Saline	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	25077	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101385920			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Mac Vilas			
Violation Number	<input type="text" value="2"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(D)(i)"/>			
Secondary Rule Cite(s)	<input type="text" value="Tex. Health & Safety Code § 341.0315(c)"/>			
Violation Description	<p>Failure to provide a well capacity of 0.6 gallons per minute (gpm) per connection, as documented during an investigation on January 11, 2005. Specifically, the required capacity is 1,093 gpm (0.6 gpm/connection x 1,822 connections) and the operational capacity of the plant was 1,045 gpm, resulting in a 4.4% deficiency.</p>			

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to meet the system total production capacity could compromise the system's ability to provide a safe and adequate supply of water."/>					

Adjustment Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN101385920
Media [Statute] Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$456,000	11-Jan-2005	01-Jun-2006	1.4	\$2,107	\$42,144	\$44,251
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Cost estimated by the city for construction of a new well and the legal, fiscal and engineering costs connected with doing so, from the violation date to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$456,000**

TOTAL \$44,251

Screening Date	24-Mar-2005	Docket No.	2005-0666-MLM-E	PCW
Respondent	City of Grand Saline	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	25077	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101385920			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Mac Vilas			
Violation Number	<input type="text" value="3"/>			
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)"/>			
Secondary Rule Cite(s)	<input type="text" value="Texas Health & Safety Code § 341.0315(c)"/>			
Violation Description	<input type="text" value="Failure to have a minimum elevated storage tank capacity of at least 100 gallons per connection, as documented during an investigation on January 11, 2005. Specifically, the elevated storage tank capacity required for the system is 182,200 gallons and only 150,000 gallons were provided, resulting in a 17.6% deficiency."/>			
Base Penalty			<input type="text" value="\$1,000"/>	

>> Environmental, Property and Human Health Matrix

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Failure to meet minimum elevated storage tank capacity requirements could result in service outages and impair the system's ability to provide a safe and adequate supply of water to the public."/>				

Adjustment Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN101385920
Media [Statute] Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500,000	11-Jan-2005	01-Jun-2006	1.4	\$103,973	n/a	\$103,973

Notes for DELAYED costs

Cost estimated by the city for construction of a new water tower and the legal, fiscal and engineering costs connected with doing so, from the violation date to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500,000

TOTAL \$103,973

Screening Date 24-Mar-2005**Docket No.** 2005-0666-MLM-E**PCW****Respondent** City of Grand Saline

Policy Revision 2 (September 2002)

Case ID No. 25077

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101385920**Media [Statute]** Public Water Supply**Enf. Coordinator** Mac Vilas**Violation Number** 4**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.46(e)**Secondary Rule Cite(s)** Tex. Health & Safety Code § 341.033(a)**Violation Description** Failure to employ at least two operators who hold a Class C or higher ground water license, as documented during an investigation on January 11, 2005.**Base Penalty** \$1,000>> **Environmental, Property and Human Health Matrix**

		Harm			Percent
Release		Major	Moderate	Minor	
	Actual				
OR	Potential		x		25%

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					Percent
Matrix Notes	Failure to operate the public water system under the direct supervision of properly licensed water works operators could expose a water supply being distributed for human consumption to significant amounts of contaminants which would not exceed levels protective of human health.				

Adjustment -\$750**Base Penalty Subtotal** \$250**Violation Events****Number of Violation Events** 1

mark only one use a small x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$250

One quarterly event is recommended, from the investigation date (January 11, 2005) to the screening date (March 24, 2005).

Economic Benefit (EB) for this violation**Statutory Limit Test****Estimated EB Amount** \$3**Violation Final Penalty Total** \$400**This violation Final Assessed Penalty (adjusted for limits)** \$400

Economic Benefit Worksheet

Respondent City of Grand Saline
Case ID No. 25077
Reg. Ent. Reference No. RN101385920
Media [Statute] Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	11-Jan-2005	01-Mar-2005	0.1	\$3	n/a	\$3

Notes for DELAYED costs Estimated cost to appropriately license the water works operators (class cost). Date required is the initial investigation date. Final date is the projected date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$500**

TOTAL \$3

Compliance History

Customer/Respondent/Owner-Operator: CN600341135 City of Grand Saline Classification: AVERAGE Rating: 1.700

Regulated Entity: RN101385920 City of Grand Saline Water System Classification: Site Rating:

ID Number(s): WATER LICENSING LICENSE 2340003
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2340003

Location: 132 E FRANK ST, GRAND SALINE, TX, 75140

TCEQ Region: REGION 05 - TYLER

Date Compliance History Prepared: June 21, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 21, 2000 to June 21, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Mac Vilas Phone: 512-239-2557

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

- 1 10/23/2001
- 2 10/04/2002

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 12/10/2001

Self Report? No

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(m)(G)

Description: Failure to properly maintain the facility ground storage tanks interior surfaces.

Self Report? No

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)

Tex. Health & Safety Code § 341.0315(c)

Description: Failure to provide a well capacity of 0.6 gallon per minute (gpm) per connection.

Self Report? No

Classification: Moderate

Citation:

30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)

Tex. Health & Safety Code § 341.0315(c)

Description: Failure to have a minimum elevated storage tank capacity of at least 100 gallons per connection

Self Report? No

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)

Tex. Health & Safety Code § 341.0315(c)

Date: 01/31/2003

Self Report? No

Classification: Moderate

Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(G)
	Description: Failure to properly maintain the facility ground storage tanks interior surfaces.
Self Report? No	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)
	Tex. Health & Safety Code § 341.0315(c)
	Description: Failure to provide a well capacity of 0.6 gallon per minute (gpm) per connection.
Self Report? No	Classification: Moderate
Citation:	30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)
	Tex. Health & Safety Code § 341.0315(c)
	Description: Failure to have a minimum elevated storage tank capacity of at least 100 gallons per connection
Self Report? No	Classification: Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
	Tex. Health & Safety Code § 341.0315(c)
	Description: Failure to provide a service pump capacity of at least 1,000 gpm

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF GRAND SALINE
RN102330081
RN101385920**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-0666-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Grand Saline ("Grand Saline") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Grand Saline presented this agreement to the Commission.

Grand Saline understands that they have certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Grand Saline agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Grand Saline.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Grand Saline owns and operates a wastewater treatment plant located east of the intersection of the T & P Railroad and State Highway 110, approximately 0.5 mile east-southeast of the intersection of U. S. Highway 80 and State Highway 110, in Grand Saline, Van Zandt County, Texas, and a public water supply located at 132 East Frank Street, Grand Saline, Van Zandt County, Texas, that has approximately 1,822 service connections and serves at least 25 people per day for at least 60 days per year (the "Facilities").

2. Grand Saline has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on February 7, 2005, TCEQ staff documented that Grand Saline failed to comply with the permit effluent limitations of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10179001, as shown in the following table:

EFFLUENT PARAMETER

Permit Limit

	Nitrogen, ammonia daily average, Pounds per day	Nitrogen, ammonia daily average, milligram per liter	Nitrogen, ammonia daily maximum, milligram per liter	Chlorine Residual, milligram per liter	pH	Flow, million gallon per day (mgd)
<i>Month/Year</i>	14 lbs/day	3.0 mg/l	10 mg/l	1.0-4.0 mg/l	6.0 s.u.- 9.0 s.u.	0.54 mgd
September 2003	c	c	c	0.00	c	c
October 2003	c	c	c	0.7	c	c
April 2004	19.93	5.84	16.6	0.8	9.16	0.68
May 2004	c	c	c	c	c	0.807
June 2004	c	c	c	c	c	0.583
July 2004	c	3.22	c	c	c	c
August 2004	c	4.29	c	c	c	c

4. During an investigation on January 11, 2005, TCEQ staff documented that Grand Saline failed to properly maintain the public water supply facility, specifically by failing to resurface the interior surface of the ground storage tank showing corrosion, in strict accordance with current American Water Works Association (AWWA) standards.
5. During an investigation on January 11, 2005, TCEQ staff documented that Grand Saline failed to provide a well capacity of 0.6 gallons per minute (gpm) per connection.
6. During an investigation on January 11, 2005, TCEQ staff documented that Grand Saline failed to have a minimum elevated storage tank capacity of at least 100 gallons per connection.
7. During an investigation on January 11, 2005, TCEQ staff documented that Grand Saline failed to employ at least two operators who hold a Class C or higher ground water license.
8. Grand Saline received notice of the violations on or about March 1, 2005 and March 13, 2005.

II. CONCLUSIONS OF LAW

1. Grand Saline is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3, Grand Saline failed to comply with the permit effluent limitations of TPDES Permit No. 10179001, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10179001 Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 4, Grand Saline failed to properly maintain the public water supply facility ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
4. As evidenced by Finding of Fact No. 5, Grand Saline failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Finding of Fact No. 6, Grand Saline failed to have a minimum elevated storage tank capacity of at least 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
6. As evidenced by Finding of Fact No. 7 Grand Saline failed to employ at least two operators who hold a Class C or higher ground water license, in violation of 30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a).
7. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Grand Saline for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Seventeen Thousand Nine Hundred Twenty Dollars (\$17,920) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049. Grand Saline has paid the Seventeen Thousand Nine Hundred Twenty Dollar (\$17,920) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS
that:

1. Grand Saline is assessed an administrative penalty in the amount of Seventeen Thousand Nine Hundred Twenty Dollars (\$17,920), as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and Grand Saline's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the

violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Grand Saline, Docket No. 2005-0666-MLM-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Grand Saline shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order, commence operating the public water supply facility under the direct supervision of a second properly certified operator;
- b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10179001. The certification shall be notarized and submitted in accordance with Ordering Provision no. 2.d.;
- c. Within 180 days after the effective date of this Agreed Order:
 - i. Resurface any corroded areas of the ground storage tank, in accordance with the AWWA standards;
 - ii. Provide a total well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide an elevated storage tank capacity of at least 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- d. Within 210 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including copies of certifications or licenses, photographs labeling new or repaired equipment, receipts, and/or other records to demonstrate compliance with Ordering Provision nos. 2.a. and 2.c.

The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Manager, Water Section
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon Grand Saline. Grand Saline is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facilities operations referenced in this Agreed Order.
4. If Grand Saline fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Grand Saline's failure to comply is not a violation of this Agreed Order. Grand Saline has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Grand Saline shall notify the Executive Director within seven days after Grand Saline becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Grand Saline shall be made in writing to the Executive Director. Extensions are not effective until Grand Saline receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Grand Saline if the Executive Director determines that Grand Saline has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

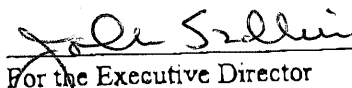
8. This Agreed Order, issued by the Commission, shall not be admissible against Grand Saline in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

11/13/07
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of City of Grand Saline. I am authorized to agree to the attached Agreed Order on behalf of City of Grand Saline, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, City of Grand Saline waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

Terry Tolar

Name (printed or typed)
Authorized Representative
City of Grand Saline

9-19-07

Date
Mayor

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Ordering Provision 1 of this Agreed Order.

